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OFFICE OF PETITIONS

In re Application of	:
Randall D. Ridenour	: DECISION DISMISSING
Application No. 10/695,041	: PETITION UNDER
Filed: October 28, 2003	: 37 CFR 1.137(b)
Attorney Docket No. P-6811	:

This is a decision on the petition, filed November 16, 2004, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be filed within TWO MONTHS from the mail date of this decision. Extensions of time are available pursuant to the provisions of 37 CFR 1.136(a).

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The petition fails to comply with items (2) and (3) above. Upon careful review of the USPTO records for the above-identified application, there is no evidence of receipt of a Rescission Of Request Not To Publish in the above-identified file. Additionally, the required fee for a petition under 37 CFR 1.137(f) is \$1,500 as of December 8, 2004.

The relief provided for by the notice published in the Official Gazette of October 9, 2001, applies only to correspondence deposited by Express Mail under 37 CFR 1.10 and does not apply to mail deposited by first class mail under 37 CFR 1.8. In this regard, applicant's attention is directed to 1251 Official Gazette 55, which states:

Parties submitting (correspondence to the USPTO are reminded that 37 CFR 1.8 (certificate of mailing or transmission practice) does not provide for according a filing date as of the date of deposit with the USPS to correspondence submitted under 37 CFR 1.8.

Therefore, it would be inappropriate for the filing of the Rescission Of Request Not To Publish under 37 CFR 1.8.

Accordingly, the above matters must be addressed in order to grant the revival of the instant application.

Further correspondence with respect to this matter should be addressed as follows:

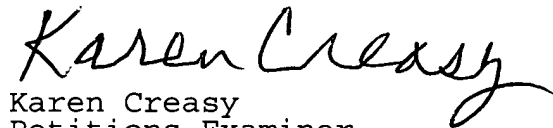
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.



Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy